

(b) telescoping said adapter into said lag screw and contacting said tang body; and

(c) translating said tang body toward said leading end and extending said tang leg through said tang exit hole.

#### **REMARKS/ARGUMENTS**

In response to the Office Action of August 10, 2005, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

#### **Claim Status/Support for Amendments**

Claims 1, 3-7, 13, 15-17, 19 and 20 remain in this application. Claims 2, 8-11, 12, 14, and 18 have been canceled. Claims 19 and 20 have been withdrawn as the result of an earlier restriction requirement (dated April 14, 2005). In view of the Examiner's restriction requirement, Applicant retains the right to present claims 19-20 in a divisional application.

The Examiner has acknowledged that claims 12, 14, 15 and 18 are directed to allowable subject matter.

No new matter has been added by the amendments to the claims made herein.

Claim 1 has been amended herein to include the limitations of original claim 12 and intervening claims 2, 9 and 10.

Claim 13 has been amended herein to include the limitations of original claim 14. Claim 13 has been further amended to provide

proper an antecedent basis.

Claim 16 has been amended herein to include the limitations of original claim 18.

Claims 3-4, 6, 15 have been amended to depend from currently pending claims.

**Rejections under 35 USC 112**

Claims 13-15, as originally presented, stand rejected under 35 USC 112, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner asserts that claim 13 recites the limitation "the shoulder" in line 7; there is insufficient antecedent basis for this limitation in the claim.

Applicant has amended the limitation "said shoulder" to -- said other end-- in order to provide proper antecedent basis for the limitation.

Accordingly, Applicant has now pointed out and distinctly set forth the subject matter of the claims and respectfully requests that this rejection under 35 USC 112, second paragraph, now be withdrawn.

**Rejections under 35 USC 102(b)**

Claims 1-10, as originally presented, stand rejected under 35 USC 102(b) as allegedly being anticipated by US Patent No.

6,183,474 to Bramlet et al.

The Examiner alleges that Bramlet discloses in Figure 89 a lag screw 810 having a longitudinal bore 825, external threads on the leading end, a first connector comprising the internal threads in the bore and a discharge hole 826A. The hole discharges a tang. The assembly allegedly further comprises a compression screw 860 (FIG. 84). The lag screw comprises an enlarged head and a second connector comprising the threaded shank 864. A side plate 850 having an aperture 856 receives the lag screw 860 and is shaped for longitudinal movement. The side plate includes a barrel 852 and cortical screw hole. The device allegedly comprises a tang exit hole 826A in the leading end.

Applicant respectfully disagrees with the Examiner's assertions, however, in the interest of efficient and compact patent prosecution Applicant has amended claim 1 to include the limitations of claim 12 (and intervening claims 2, 9, 10), which was indicated by the Examiner as containing allowable subject matter.

#### **Rejection under 35 USC 103(a)**

Claims 11 and 13, as originally presented, stand rejected under 35 USC 103(a) as allegedly being unpatentable over US Patent No. 6,183,474 to Bramlet et al., in view of US Patent No. 4,653,489 to Tronzo.

The Examiner admits that Bramlet fails to disclose an adaptor 46 having a bore and external threads. Tronzo allegedly teaches an adaptor 46 to interconnect a syringe to a side plate to inject cement to better secure the threaded fastener within the bone. Tronzo allegedly discloses that the adaptor includes a circumferential shoulder 48 between the exit and the connector. The connector attaches to the syringe.

The Examiner then concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an adaptor (and a syringe) to inject cement to better secure the threaded fastener within the bone. The external threads telescope within the bore. The Bramlet device comprise a seal 842.

Applicant respectfully disagrees with the Examiner's assertions that the claimed subject matter is obvious, however, in the interest of efficient and compact patent prosecution Applicant has cancelled claim 11 and amended claim 13 to include the limitations of claim 14 which was indicated by the Examiner as containing allowable subject matter, thereby rendering the instant rejection moot.

Claims 16 and 17, as originally presented, stand rejected under 35 USC 103(a) as allegedly being unpatentable over US Patent No. 6,183,474 to Bramlet et al., in view of US Patent No.

3,391,380 to Dawidowski.

The Examiner admits that Bramlet fails to disclose that the compression screws is connected to a distal end and the tang body 832 moves toward a leading end. Nevertheless, the Examiner asserts, Dawidowski discloses that the tangs may exit in a distal direction out of the body.

The Examiner then concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tangs to exit toward a distal end, as taught by Dawidowski, to effectively secure the device to bone and to create a compressive force. The tip of the device comprises an end cap.

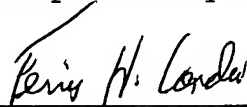
Again, Applicant respectfully disagrees with the Examiner's assertions that the claimed subject matter is obvious, however, in the interest of efficient and compact patent prosecution Applicant has amended claim 16 to include the limitations of claim 18 which was indicated by the Examiner as containing allowable subject matter, thereby rendering the instant rejection moot.

Accordingly, Applicant respectfully submits that the claimed device distinguishes over all cited prior art and request that the rejection of claims 13, 16 and 17 under 35 USC 103(a) now be withdrawn.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,



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